

**FRANK DEFENSE
MAY**

**PRESENT NEW
TRIAL**

**MOTION THIS
WEEK**

Attorneys Have
Practically

Completed Work, It
Is Said.

Much New Evidence
to Be

Submitted to Court

BURNS FOLLOWS
MURDER

CASE TRAIL TO NEW
YORK

Detective, Before
Leaving At-

lanta, Declares
Positively He

Will Prove Beyond Doubt Who Slew Mary Phagan

The extraordinary motion for a new trial for Leo M. Frank, convicted and condemned to death for the Mary Phagan murder, will in all probability be filed during the present week, it became known Monday.

Attorney Luther Z. Rosser, senior counsel for the defense, has been at work on the motion ten days and it is now said to be practically complete. Reuben R. Arnold, of the Frank defense, has just returned to the city and after he goes over the motion with Mr. Rosser and the other attorneys, it is said the document will be filed in superior court. Judge Ben H. Hill will then set an early date, it is said, for the hearing.

It was generally expected that the defense would wait until a few days before the date set for Frank's execution, April 17, to file the motion in order that Detective Bruns might have time to complete his investigation of the case. The change of tactics, however, is taken as evidence of the strength of the attorneys of the Frank defense.

That the motion will contain sensational evidence which has never been made public is certain. C. W. Burke, a detective in the employ of Mr. Rosser, and several other private detectives have been at work on the case since the day of the conviction of Frank, and much of the evidence developed by them has been zealously guarded from reporters.

Many of the points which the defense will use, however, have become public. The new theory in regard to the paper on which one of the murder notes was written will be used. The admission of Dr. H. F. Harris that the hair found on the lathe in the metal room was not that of Mary Phagan will be another point. Frank's time alibi will be strengthened by the testimony of Mrs. Ethel Harris Miller, of Chattanooga. The affidavits of Albert McKnight and George Epps, Jr., the one repudiating his whole testimony and the other several important points in his statement at the trial, and other similar affidavits, will form an important part of the motion.

CONFIDENT OF RESULT.

"In leaving Atlanta for a day or two I want to reiterate stronger than ever that there is no question as to our ability to furnish an absolutely perfect and complete detailed account of how this murder occurred and who is responsible for it."

That was the statement by Detective William J. Burns at the Georgian Terrace Monday morning just before he left for Washington and New York.

"Are you sure of that?" he was asked.

"Absolutely," he replied. "I am not bluffing."

Burns was eating breakfast at the time, his table bristling with affidavits and papers on the Frank case. Between mouthfuls, he dictated telegrams and letters to his secretary.

"We will establish these facts," he continued, "to the satisfaction of the most skeptical. I know the people of this community were justly incensed over the atrocious murder in their midst. The officials charged with the duty of bringing to justice the person or persons responsible for the crime are to be commended for the vigorous manner in which they took up the investigation and prosecution. I am satisfied they were not influenced by any prejudice, but were moved by the desire to do

their duty. I am, therefore, certain their minds are open to conviction and that indeed they will be glad to get at the facts.”

“We will also show that some persons connected with the gathering of the evidence were moved by a desire other than getting at the facts. They were probably inspired by a desire to gain a lot of notoriety and perhaps the rewards offered. This is unfortunate, as it has tended

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(Continued from Page One.)

to reflect on private detectives who seek to do their duty honestly.

SHOULD BE MORE CAREFUL.

“I hope the police officials will be more careful in future and not permit themselves to be imposed upon.”

Burns would not go into any discussion of how he had been working on the case or what exact results he had achieved. He was positive, however, in declaring that the public would be satisfied with his findings.

He stated that he would be away three or four days, but would not discuss his trip other than today it would take him to Washington and New York.

In the meantime, Dan Lehon, manager of the New Orleans Burns Agency, will arrive in the city Tuesday. He has already left for Atlanta, but stayed over a day in Jackson, Miss.

Guy B. Beddinger, of the New York office, will also arrive in the city Tuesday morning.

While Burns has consistently refused to state how many agents he has at work on the case, it is said they number eight men, all from other cities. In the absence of Burns, Lehon will direct the activities of these men, although Burns will keep in touch with them by telegraph.

It is not now considered likely that Burns will have his final report on the case ready before the middle or last of next week, if by that time.

The detective declares he is investigating every angle of the case, regardless of how insignificant it may seem.

Leonard Haas, one of the attorneys connected with the defense of Leo M. Frank, left Atlanta Sunday for New York, and it is said he is making the trip on business connected with the case.

Just what the recently developed New York “angle” to the case is, attorneys connected with the defense refuse to state.

Rev. Fred Line Pleads

For New Frank Trial

A new trial for Leo M. Frank was urged by Dr. Fred A. Line, pastor of the Universalist church, in his Sunday morning sermon. Dr. Line declared that owing to the excitement and passion existing at the time of Frank's trial the prisoner did not and could not have been accorded a fair and impartial trial.

"The plea for a new trial for Leo M. Frank is not based on sentiment," said Dr. Line. "It is based on justice."

"I plead for a new trial for Leo M. Frank in the name of that justice which demands for every man the right of life, liberty, and the pursuit of happiness; which recognizes the sacredness of human life and zealously guards its forces; which transcends prejudice, vengeance, malice, hatred; which demands that truth shall prevail, and that all life shall be conserved to ends of human usefulness and divine service. I plead for a new trial as a man who loves men and who desires to see justice done, as a man who believes in men and in the power of divine love to win its victories in human hearts and lives."

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The condemned may be guilty and richly deserving of the fate to which the courts of the state have condemned him. It is not for outsiders to determine this question, but since sentence was imposed the friends or justice all over the country are making a strenuous fight to secure for him a fair trial. The important point is that under the existing conditions a fair trial was impossible, and it would be an indelible stain upon our criminal jurisprudence to deny to a prisoner so placed an opportunity to defend himself before a tribunal, qualified to judge the evidence and removed

from the pressure of a clamoring multitude bent upon blood. Leo M. Frank's friends have much new evidence which must entirely overthrow the story of the chief witness for the prosecution, and they are asking the courts of Georgia for an opportunity for a fair trial. Demoralizing as are the tendencies of our present laxity, it would be far more deplorable to permit the sacrifice of a possibly innocent man because the machinery of our courts is too weak to resist the clamor of a mob thirsting for vengeance.—Philadelphia Public Ledger.